IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 12228 of 2004

Between:

Sri Y. Krishna Murthy S/o Late Gangaiah
R/o 2-71, Enekepadu Village, Vijayawada Rural (M), Krishna District

..... PETITIONER

AND

1. The Assistant Commissioner of Endowments, Endowments department, near Old bus stand, Vijayawada, Krishna District.

2. The Executive Officer, Sri Durga Malleswara Swamy Varla Devasthanam, Enekepadu Village,
Vijayawada Rural (M), Krishna District

3. The Regional Joint Commissioner, Endowments Department Multi Zone-1, Kakinada

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more in the nature of Writ of mandamus declaring the action of the respondents in conducting the public auction for the leasehold rights of the land in R.S. No. 48/9, admeasuring Ac. 4.35 cents (dry) situated at Enekapudu Village, Vijayawada rural, Krishna District as wholly illegal, arbitrary & Opposed to the principles of natural justice and violation of Article 14 & 21 of the Constitution of India.

Counsel for the Petitioner : MR.B.VENKATADRI, Advocate

Counsel for the Respondent No.2: SMT.N.INDRANI, Standing Counsel.

Counsel for Respondents 1 & 3 : G.P. for Endowments.

The Court at the admission stage made the following ORAL ORDER:

This writ petition is filed by the petitioner, who is a tenant of the 2nd respondent-institution in respect of Ac.4.35 cents dry land situated at Enekapadu village, Vijayawada rural, Krishna district.

2. According to the petitioner, he does not own any other land and he made an application before the Assistant Commissioner seeking declaration that he is a landless poor in terms of Section 82 of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 (hereinafter referred to 'the Act'). Thereafter, the Assistant Commissioner of Endowments conducted the enquiry and passed orders, dated 24.5.2004, declaring that the petitioner is the landless poor in terms of Section 82 read with the Rules framed in G.O.Ms.No.379, dated 11.3.2003. However, it is stated that the Executive Officer of the Institution filed appeal before the 3rd respondent herein, and obtained an order of stay of the orders of the Assistant Commissioner of Endowments, and proceeding to auction the leasehold rights of the scheduled property. Hence, the present writ petition.

3. Heard the learned counsel for the petitioner, and the learned Standing Counsel for the 2nd Respondent, and considered the material on record.

4. As the appeal filed by the 2nd respondent is pending before the 3rd respondent, the 3rd respondent is directed to dispose of the same within three months, after giving notice and opportunity to the petitioner. Pending disposal of the appeal, the 2nd respondent is directed not to take any steps either to evict the petitioner or to hold any public auction of the leasehold rights in respect of the above mentioned land.

5. The writ petition is accordingly disposed of.

S.Ananda Reddy, J.

Dt. 15.07.2004

Note: Issue copy

Within two days. (bo)

Kvh

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Assistant Commissioner of Endowments, Endowments

Department, near Old bus stand, Vijayawada, Krishna District.

2. The Regional Joint Commissioner, Endowments Department Multi Zone-1, Kakinada

3. Two CCs. To the G.P. for Endowments, High Court of A.P.,

Hyderabad (OUT)

4. CC to the Standing Counsel (OUT),

5. Two CD Copies.

THE HON'BLE MR. JUSTICE S. ANANDA REDDY

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W.P.No. 12228 of 2004

ORAL ORDER

15..07..2004